

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Francis X. Smith Art Unit: 1615  
Serial No.: 10/544,149 Examiner: Leonard Smith  
Filing Date: August 1, 2005  
Title: **IMPROVED OPHTHALMIC AND CONTACT LENS SOLUTIONS  
WITH A PEROXIDE SOURCE AND A CATIONIC POLYMERIC  
PRESERVATIVE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. § 1.97, Applicants and their legal representatives hereby make of record the references on attached Form PTO-1449 which are known by them and considered warranting disclosure under 37 C.F.R. § 1.56. The best available copies of all the foreign references cited are submitted herewith.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation that such publication is prior art. Moreover, Applicants understand that the Examiner will make an independent evaluation of the cited publications.


Applicants and their legal representatives believe this submission is being presented before the Examiner issued an office action on the merits and therefore, no fee is due for this submission. However, the Commissioner is authorized to charge any deficiencies or credit any excess payments to our Deposit Account No. 50-3010.

If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,

HISCOCK & BARCLAY, LLP

05/24/07  
\_\_\_\_\_  
Date

  
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Registration No. 58,013

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 6

**Complete if Known**

Application Number	10/544,149
Filing Date	August 1, 2005
First Named Inventor	Francis X. Smith
Art Unit	1615
Examiner Name	Leonard Smith
Attorney Docket Number	3009079 US01

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	1	US- 2,976,576	03-28-1961	O. Wichterle et al.	
	2	US- 3,429,576	02-25-1969	Yoshiaki Ikeda	
	3	US- 3,503,393	03-31-1970	R. E. Manley	
	4	US- 3,591,329	07-06-1971	Chromeczek et al.	
	5	US- 3,689,673	09-05-1972	Phares, Jr.	
	6	US- 3,755,561	08-28-1973	Rankin	
	7	US- 3,873,696	03-25-1975	Randeri et al.	
	8	US- 3,876,768	04-08-1975	Blank	
	9	US- 3,888,782	06-10-1975	Boghossian et al.	
	10	US- 3,910,296	10-07-1975	Karageozian et al.	
	11	US- 3,911,107	10-07-1975	Krezanoski	
	12	US- 3,912,450	10-14-1975	Boucher	
	13	US- 3,943,251	03-09-1976	Medow et al.	
	14	US- 4,022,834	05-10-1977	Gundersen	
	15	US- 4,029,817	06-14-1977	Blanco et al.	
	16	US- 4,046,706	09-06-1977	Krezanoski	
	17	US- 4,136,173	01-23-1979	Pramoda et al.	
	18	US- 4,136,175	01-23-1979	Rideout et al.	
	19	US- 4,136,534	01-30-1979	Villa	
	20	US- 4,209,817	06-24-1980	McGinnis	

**FOREIGN PATENT DOCUMENTS**

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		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	21	GB 1,398,058	03-15-1973	Farmaceutisk		
	22	JP 58010517 A	01-21-1983	Santen Pharmaceutical		
	23	WO 92/04905	04-02-1992	Abraham et al.		
	24	WO 92/11876	07-23-1992	Schering Corp.		
	25	WO 92/21049	11-26-1992	Allergan, Inc.		
	26	WO 94/00160	01-06-1994	Allergan, Inc.		
	27	WO 95/00176	01-05-1995	Allergan, Inc.		
	28	WO 96/06603	03-07-1996	Alcon Laboratories		
	29	WO 97/34834	09-25-1997	Bio-Lab, Inc.		

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Sheet 2 of 6

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	30	US- 4,354,952	10-19-1982	Reidhammer et al.	
	31	US- 4,361,458	11-30-1982	Grajek et al.	
	32	US- 4,361,548	11-30-1982	Smith et al.	
	33	US- 4,361,549	11-30-1982	Kung et al.	
	34	US- 4,394,381	07-19-1983	Sherrill	
	35	US- 4,439,417	03-27-1985	Matsunaga et al.	
	36	US- 4,525,346	06-25-1985	Stark	
	37	US- 4,599,360	07-08-1986	Fukami et al.	
	38	US- 4,748,189	05-31-1988	Su et al.	
	39	US- 4,783,488	11-08-1988	Ogunbiyi et al.	
	40	US- 4,820,352	04-11-1989	Reidhammer et al.	
	41	US- 4,826,879	05-02-1989	Yamamoto et al.	
	42	US- Re. 32,672	05-24-1988	Huth et al.	
	43	US- 4,836,986	06-06-1989	Ogunbiyi et al.	
	44	US- 4,863,900	09-05-1989	Pollock et al.	
	45	US- 4,891,423	01-02-1990	Stockel	
	46	US- 4,804,454	01-18-1990	Paradies	
	47	US- 4,988,710	01-29-1991	Olney	
	48	US- 4,997,626	03-05-1991	Dziabo et al.	
	49	US- 5,030,721	07-09-1991	Kasai et al.	

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	50	WO 97/41215	11-06-1997	Novo Nordisk A/S		
	51	EP 0 812 592 A1	12-17-1997	Kikkoman Corp.		
	52	JP 10-108899	04-28-1998	Tomey Technol Corp		
	53	RU 2127100	03-10-1999	Borzenko et al.		T
	54	WO 99/23887	05-20-1999	Novo Nordisk A/S		T
	55	WO 99/37295	07-29-1999	Devillez et al.		
	56	JP 2000016965 A	01-18-2000	Mitsubishi Gas		
	57	WO 00/07634	02-17-2000	NDT, Inc.		
	58	WO 00/11514	03-02-2000	Senju Pharmaceutical		

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Sheet 3 of 6

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Application Number	10/544,149
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First Named Inventor	Francis X. Smith
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Attorney Docket Number	3009079 US01

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		Number - Kind Code <sup>2</sup> (if known)			
	59	US- 5,078,908	01-07-1992	Ripley et al.	
	60	US- 5,089,261	02-18-1992	Nitecki et al.	
	61	US- 5,122,354	06-16-1992	Tsuji et al.	
	62	US- 5,174,872	12-29-1992	Scott	
	63	US- 5,175,161	12-29-1992	Yokoyama et al.	
	64	US- 5,182,258	01-26-1993	Chiou	
	65	US- 5,192,535	03-09-1993	Davis et al.	
	66	US- 5,279,673	01-18-1994	Dziabo et al.	
	67	US- 5,300,296	04-05-1994	Holly et al.	
	68	US- 5,306,440	04-26-1994	Ripley et al.	
	69	US- 5,361,287	11-01-1994	Williamson	
	70	US- 5,380,303	01-10-1995	Holly et al.	
	71	US- 5,439,572	08-08-1995	Pankow	
	72	US- 5,449,658	09-12-1995	Unhoch et al.	
	73	US- 5,494,937	02-27-1996	Asgharian et al.	
	74	US- 5,547,990	08-20-1996	Hall et al.	
	75	US- 5,591,773	01-07-1997	Grunberger et al.	
	76	US- 5,607,881	03-04-1997	Galley et al.	
	77	US- 5,624,958	04-29-1997	Isaacs et al.	
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	79	EP 0 923 950 A3	12-27-2000	Tomey Corporation		

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Sheet	4	of	6
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*Complete if Known*

<i>Application Number</i>	10/544,149
<i>Filing Date</i>	August 1, 2005
<i>First Named Inventor</i>	Francis X. Smith
<i>Art Unit</i>	1615
<i>Examiner Name</i>	Leonard Smith
<i>Attorney Docket Number</i>	3009079 US01

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	80	US- 5,661,130	08-26-1997	Meezan et al.	
	81	US- 5,674,450	10-07-1997	Lin et al.	
	82	US- 5,691,379	11-25-1997	Ulrich et al.	
	83	US- 5,718,895	02-17-1998	Asgharian et al.	
	84	US- 5,719,110	02-17-1998	Cook	
	85	US- 5,741,817	04-21-1998	Chowhan et al.	
	86	US- 5,770,582	06-23-1998	von Borstel et al.	
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	88	US- 5,807,585	09-15-1998	Martin et al.	
	89	US- 5,811,446	09-22-1998	Thomas	
	90	US- 5,854,303	12-29-1998	Powell et al.	
	91	US- 5,869,468	02-09-1999	Freeman	
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	93	US- 5,891,733	04-06-1999	Inoue	
	94	US- 5,925,317	07-20-1999	Rogalskyj et al.	
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	99	US- 5,965,736	10-12-1999	Akhavan-Tafti	

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	100	US- 5,968,904	10-19-1999	Julian et al.	
	101	US- 6,001,805	12-14-1999	Jaynes et al.	
	102	US- 6,008,195	12-28-1999	Selsted	
	103	US- 6,022,732	02-08-2000	Bakhit et al.	
	104	US- 6,056,920	05-02-2000	Lepre	
	105	US- 6,117,869	09-12-2000	Picard et al.	
	106	US- 6,121,327	09-19-2000	Tsuzuki et al.	
	107	US- 6,126,706	10-03-2000	Matsumoto et al.	
	108	US- 6,139,646	10-31-2000	Asgharian et al.	
	109	US- 6,156,563	11-28-2000	Smith et al.	
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	111	US- 6,191,110 B1	02-20-2001	Jaynes et al.	
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	114	US- 6,432,893 B1	08-13-2002	Doi et al.	
	115	US- 6,617,291 B1	09-09-2003	Smith	
	116	US- 6,624,203 B1	09-23-2003	Smith	
	117	US- 2003-0190258 A1	10-09-2003	Smith	
	118	US- 2005-0042198 A1	02-24-2005	Smith et al.	

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Sheet 6 of 6

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**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	119	BALLWEBER et al., "In Vitro Microbicidal Activities of Cecropin Peptides D2A21 and D4E1 and Gel Formulations Containing 0.1 to 2% D2A21 against <i>Chlamydia trachomatis</i> ", Antimicrobial Agents and Chemotherapy, Jan. 2002, pp 34-41, Vol. 46, No. 1	
	120	CREIGHTON, THOMAS E., "Proteins Structures and Molecular Properties", W.H. Freeman & Co., New York, 1984, pp 179-182	
	121	DE LUCCA et al., "Fungicidal Properties, sterol binding, and proteolytic resistance of the synthetic peptide D4E1", Canadian Journal of Microbiology, June 1998, pp 514-520, Vol. 44, No. 6	
	122	KEAY, L., MOSER, P.W. and WILDO, B.S., "Proteases of the Genus Bacillus, II. Alkaline Proteases", Biotechnology & Bioengineering, March 1970, pp 213-249, Vol. XII	
	123	KEAY, L. and MOSER, P.W., "Differentiation of Alkaline Proteases from Bacillus Species", Biochemical and Biophysical Research Comm, 1969, pp 600-604, Vol. 34, No. 5	
	124	SCHUTTE, L., et al., "The Substitution Reaction of Histidine and Some Other Imidazol Derivatives With Iodine", Tetrahedon, Supp. No. 7, 1965, pp 295-306	

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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